

1 JUAN RAMOS,

2 Plaintiff,

3 v.

4 EXPERIAN INFORMATION
5 SOLUTIONS, INC., et al.,

6 Defendants.

7 Case No. 16-cv-06375-PJH

8 **ORDER DENYING MOTION TO
9 CONSOLIDATE AND SETTING
10 HEARING DATE FOR MOTIONS TO
11 DISMISS**

12 Re: Dkt. Nos. 12, 22

13 Before the court is defendant Experian Information Solutions, Inc.'s motion to
14 consolidate cases, joined by defendant Equifax, Inc. Dkt. 12. The matter is fully briefed
15 and suitable for decision without oral argument. Accordingly, the hearing set for February
16 15, 2017 is VACATED. Having read the parties' papers and carefully considered their
17 arguments and the relevant legal authority, and good cause appearing, the court hereby
18 DENIES the motion to consolidate.

19 Federal Rule of Civil Procedure 42(a) permits the court to consolidate cases that
20 "involve a common question of law or fact." Fed. R. Civ. Pro. 42(a). The district court
21 has "broad discretion under this rule to consolidate cases" before it. Investors Research
22 Co. v. U.S. District Court for C.D. Cal., 877 F.2d 777, 777 (9th Cir. 1989). "In determining
23 whether or not to consolidate cases, the Court should weigh the interest of judicial
24 convenience against the potential for delay, confusion and prejudice." Zhu v. UCBH
25 Holdings, Inc., 682 F. Supp. 2d 1049, 1052 (N.D. Cal. 2010) (quotation omitted).

26 Experian asks the court to consolidate 171 cases assigned to a number of
27 different judges in this district. However, neither Rule 42 nor the Local Rules
28 contemplate reassignment of cases by one judge to another judge, unless the cases are

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1 found to be related under Local Rule 3-12. While these cases may share a common
2 legal theory, they do not appear to be related under Local Rule 3-12(c). Each case
3 involves a different plaintiff and the allegedly inaccurate reporting of different accounts.
4 Moreover, assigning all 171 cases to a single judge would result in substantial delay and
5 inconvenience, outweighing any efficiency gains from consolidation.

6 As to the cases assigned to the undersigned judge, the court finds that formal
7 consolidation is inappropriate under the circumstances. Should these cases make it past
8 the pleading stage, much of the discovery and many of the factual issues will be
9 individualized. For example, showing that the reporting of each plaintiff's debts was
10 inaccurate in light of a confirmed Chapter 13 plan, and the resulting damages, if any, will
11 likely require plaintiff-specific proof.

12 As to Experian's alternative request to refer the matter to the Executive
13 Committee, there is no rule permitting a party to refer a matter to or to receive a ruling
14 from the court's Executive Committee, which acts on case assignments only when it
15 determines to do so. Thus the request is DENIED.

16 However, the court does find that some coordination of the cases assigned to the
17 undersigned is appropriate. In particular, the court orders that all the pending motions to
18 dismiss the actions shall be heard on the same date. Accordingly, the hearing date for
19 Equifax's motion to dismiss (Dkt. 22) is hereby reset to March 1, 2017, at 9:00 a.m., in
20 Courtroom 3, 1301 Clay Street, Oakland, California.

21 **IT IS SO ORDERED.**

22 Dated: January 20, 2017



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25 PHYLLIS J. HAMILTON
26 United States District Judge
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